

## CASE NO. \_\_\_\_\_

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §1443, Defendant Nicholas Fiorillo (“Defendant” or “Fiorillo”) hereby removes the above-captioned civil action, and all claims and causes of action therein, from the Suffolk County Superior Court to the United States District Court for the District of Massachusetts. The Defendant further states the as follows:

### **Jurisdiction and Authority For Removal**

1. On or about December 21, 2021, a civil action was commenced against the Defendant in the Suffolk County Superior Court in the Commonwealth of Massachusetts, entitled SAMUEL B. SPITALNY, JACOB L. SPITALNY, STEPHEN QUILLINAN and S&Q DATA, LLC v. NICHOLAS FIORILLO and GOTSPACE DATA EQUITY FUND, LLC (the “Superior Court Action”).

2. To be appended hereto as **Exhibit A**, are all documents served on the removing defendant in the BSI case as available from docketed records, including a copy of the BSI Complaint.

3. The District of Massachusetts, encompasses Suffolk County.

4. The Court has jurisdiction over this matter under U.S. Const. Ann. Article III, Section 2, Clause 1, a special civil rights removal statute which permits removal of any civil or criminal action by a defendant, who is denied or cannot enforce in the state court a right under any law, providing for equal civil rights of persons or who is being proceeded against for any act under color of authority derived from any law providing for equal rights. Under 28 U.S. Code § 1443, civil actions commenced in a State court against any person who is denied or cannot enforce in the courts of such State, a right under any law providing for the equal civil rights of citizens of the United States, may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending.

5. Defendant Nicholas Fiorillo may thus remove this action to this Court, under Under 28 U.S. Code § 1443 and U.S. Const. Ann. Article III, Section 2, Clause 1.

### **Notice to Plaintiff and Superior Court of Removal of Civil Action**

6. Defendant Nicholas Fiorillo will promptly serve a copy of this Notice of Removal on counsel for Plaintiff, and will file a copy of this Notice of Removal with the Clerk of the Superior Court for the County of Suffolk, pursuant to 28 U.S.C. § 1446(d).

Dated: September 1, 2022

NICHOLAS FIORILLO  
/s/ Nicholas Fiorillo  
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Harwich Port, MA 02646-1936  
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CERTIFICATE OF SERVICE

The undersigned states that he served a copy of this Notice of Removal on counsel for Plaintiff by email, and filed a copy of this Notice of Removal with the Clerk of the Superior Court for the County of Suffolk, pursuant to 28 U.S.C. § 1446(d).

/s/Nicholas Fiorillo